

“Protecting our Great Lakes: Ballast Water and the Impact of Invasive Species”

Opening Statement of Chairman Candice S. Miller

Subcommittee on Regulatory Affairs

Committee on Government Reform

Friday, September 9, 2005, 2:00 p.m.

Anchor Bay High School

6319 County Line Road

Fair Haven, Michigan

Good afternoon. The Subcommittee on Regulatory Affairs will come to order. I would like to welcome everyone to today’s hearing on efforts to prevent the introduction of invasive species into U.S. waters—particularly the Great Lakes—through ballast water.

I want to take this opportunity to thank the individuals responsible for making this hearing possible.

I would first like to thank everyone at the Anchor Bay School District. In particular, I want to send my heartfelt thanks to Anchor Bay High School and its principal—Judy Stefanac—for hosting this event. The facilities here are wonderful, and we are truly grateful you have opened your doors and welcomed us.

The hearing today presents a unique opportunity to the citizens of the 10th Congressional District—particularly the students. A Congressional hearing in this area is unprecedented and allows our students to learn firsthand the Congressional process, activities of Federal agencies, and the impact of those actions.

By bringing this hearing to Anchor Bay High School here in northern Macomb County, I hope our students will listen to the testimony and questions; and hopefully, they will understand that government does matter in their lives.

Not only is this hearing available to the students of Anchor Bay High School, county officials have worked to make a live broadcast available to schools throughout the Thumb. This is possible because of the hard work of many individuals behind the scenes who understand the educational opportunity before us. I want to personally thank Mark Cummins of the Macomb Intermediate School District, Terry Harrington of the St. Clair County Regional Educational Service Agency, and all those individuals who have helped us broadcast this hearing live so that students, teachers, and the public can watch the hearing.

We have a very distinguished group of witnesses who have made the trip to Anchor Bay High School to be with us today. We are honored to have Michigan Attorney General Mike Cox with us. Attorney General Cox, thank you for taking time out of your busy schedule to participate in today’s proceedings.

Our other witnesses have traveled from Washington, across Michigan, and other areas in the Great Lakes region to provide us their insight on the effectiveness of the nation's ballast water management regulatory framework and the impact of invasive species on our economy and environment.

Thank you all for being here. Your presence is greatly appreciated.

As I stated, we are here to examine the Federal government's efforts to stop the threat invasive species pose on the Great Lakes and our nation's delicate aquatic ecosystems. This issue is vitally important to all residents of the Great Lakes region. Lake St. Clair, where the dreaded zebra mussel was discovered, sits only six miles from where we are sitting. This tiny little thing has devastated the lakes and started the chain of events that have led us here today.

Since the zebra mussel's introduction in 1988, the threat and impact of invasive species has not subsided. The zebra mussel has spread to waterways throughout the eastern United States; and non-native species such as the round goby are devastating native fish populations and destroying the ecosystem as we know it. In fact, there are now an estimated 180 different invasive species in the Great Lakes.

With the opening of the St. Lawrence Seaway in 1959, trade through the Great Lakes has expanded. With this increase in trade, the threat of invasive species exploded and continues to be as high as ever.

In response to the introduction of the zebra mussel, Congress directed the Coast Guard to establish ballast water management regulations for ships carrying ballast water that enter the Great Lakes after operating outside U.S. waters. The Coast Guard issued final mandatory regulations in April 1993.

Realizing the threat posed by invasive species was not contained strictly to the Great Lakes, Congress directed the Coast Guard to expand its regulations to a national level. In response, the Coast Guard issued an interim rule which established voluntary national guidelines in 1999. These voluntary guidelines became mandatory effective September 27, 2004.

One of our witnesses from Washington is Commander Kathy Moore of the U.S. Coast Guard. Commander Moore, I want to express to you the highest appreciation of this Subcommittee—and of all citizens, frankly—for the Coast Guard's efforts in fighting the global war on terrorism. In addition, the Coast Guard's efforts down in the gulf states in response to the horrible situation there has been most admirable. The men and women of the United States Coast Guard are all heroes, and I want to personally make sure that the men and women of the Coast Guard know that the citizens of this country thank them for all of their efforts.

The Coast Guard is a Federal agency that wears many hats. In addition to being the first line of defense in securing the homeland, Congress has given it the responsibility of regulating many aspects of shipping on U.S. waters—including the discharge of ballast water. In the 15 years since Congress directed the Coast Guard to deal with invasive species, critics charge the Guard's efforts have been ineffective. The threat has not decreased, and the regulations exempt heavily

loaded ships with no ballast water onboard. These ships—known as NOBOBs—account for 90 percent of all vessels entering the Great Lakes. NOBOBs contain residual water in their ballast tanks and pose a great threat.

On August 31—a week and a half ago—the Coast Guard issued voluntary guidelines for NOBOBs. But critics argue that more aggressive action is needed now.

Currently, the only accepted ballast water management practice is a mid-ocean ballast water exchange. There exist no Coast Guard approved alternative methods to treat ballast water, mainly because the Coast Guard has been unable to approve any methods because it has failed to establish a measurable standard for ballast water as safe to be discharged.

This standard—referred to as a “discharge standard”—is necessary if the shipping industry is to develop and install technologies that can treat ballast water as effectively as a ballast water exchange. The international community established its own discharge standard in February 2004. The Coast Guard led these international efforts.

Clearly, there is much more action that needs to take place at home, and there are signs that the Coast Guard is getting ready to issue its own discharge standard. I hope that Commander Moore can expound on the efforts the Coast Guard is taking to improve the ballast water regulatory framework.

In the Great Lakes region, it has been estimated that 8 billion dollars has been spent since the zebra mussel’s introduction to mitigate the damage caused—with another 5 billion dollar price tag in the next ten years. Scientists have estimated that 10 billion round gobies reside in the western half of Lake Erie alone.

Invasive species destroy our ecosystems—plain and simple. Unless the door is shut, these nasty little creatures will continue to hitch a ride in ballast tanks across the Atlantic and find new homes right here in our precious Lakes.

Ladies and gentleman, this is the reason we are holding this hearing. I have spent my entire life enjoying the Great Lakes; and I know personally how people’s lives depend on a healthy Great Lakes ecosystem.

The states understand this. No less than ten states have passed laws governing ballast water. The State of Michigan—for example—has passed a law that defines ballast water as pollution and requires ships to obtain a permit before it can be discharged.

Additionally, a coalition of Great Lakes states petitioned the Coast Guard in 2004—asking them to act on the problems posed by NOBOBs. These states have even supported legal efforts to get the EPA to regulate ballast water under the Clean Water Act.

Why have the states taken these measures? Because they are frustrated. They have seen the devastating impact of invasive species, and they feel as though the Federal government has ignored their cries for help.

Preventing the introduction of invasive species requires a cooperative effort between different Federal agencies, the states, and the international community. It will take a lot of work to remove the threat posed by the ballast water of ships.

We have seen the problem, and now we must work together to find the solution.

I am pleased that we have been able to assemble a fine panel of witnesses. I hope they can tell us what is being done to stop the threat of invasive species and how effective measures have been up to this point. Again, thank you all for taking the time to be with us today.

Now, I would like to extend my gratitude to the other Members of the Subcommittee who have joined us—Ranking Member Stephen Lynch of Massachusetts and Representative Lynn Westmoreland of Georgia.

Congressman Lynch was first sworn into the U.S. Congress in October 2001, and has since been re-elected twice. Representing Massachusetts's 9th District, he is a lifelong resident of South Boston. Prior to his career as a public servant, Ranking Member Lynch worked as a structural ironworker for 18 years and served as president of the Iron Workers Union. As an ironworker, Congressman Lynch worked at the General Motors plant in Framingham, Massachusetts, the General Dynamics Shipyard in Quincy, Massachusetts, and the U.S. Steel Plant in Gary, Indiana. The residents of Southeast Michigan can truly appreciate the work he has done throughout his life. Mr. Lynch continues to live in South Boston with his wife Margaret and their 5-year-old daughter Victoria.

Congressman Lynn Westmoreland entered Congress in January of this year. Residing in Grantville, Georgia, he represents Georgia's 8th District, which stretches from the suburbs of metro Atlanta to Macon and Columbus. Congressman Westmoreland served in the Georgia State House of Representatives for 12 years—the last 3 years as Minority Leader—before coming to Washington. Before becoming a public servant, the Congressman started his own building company. Anyone familiar with northern Macon County can truly appreciate the contributions of builders in improving the standard of living. Congressman Westmoreland and his wife Joan have been married for 36 years. They have three children and four grandchildren.

Again, I want to thank both Ranking Member Lynch and Congressman Westmoreland for their presence today. Both of their home states are home to ports engaged in high levels of maritime trade; and their participation at this hearing reiterates the national importance of this issue. Thank you both for your attendance.

I would now like to recognize the Ranking Member for his opening statement.

Mr. Lynch...